

REMARKS/ARGUMENTS

Claims 1, 4-12, 15-30 and 34-35 are pending herein. Please cancel dependent claims 2, 3, 13 and 14 without prejudice or disclaimer. The content of dependent claims 2, 3, 13 and 14 has been incorporated into independent claims 1, 25, 29, 34 and 35. Independent claim 1 has been amended to recite that the charge information processing apparatus further comprises a means for managing information of franchisees, a means for managing the number of franchisees for each region, and a means for outputting information for preparing a branching plan based on the number of franchisees for each region that is managed by the franchisee number managing device, and that a means for calculating introduction expenses is based on the scale information of a repair shop, an instruction fee for the specific repairing method, a royalty, and the prices of repairing instruments and repairing materials required for implementing the specific repairing method. Pages 12-13, 15-18 and 22-25 of the specification and Figure 2 support these amendments of claim 1. Independent claims 25, 29, 34 and 35 have been amended in a similar manner. Applicant respectfully submits that no new matter has been added.

Claims 1-24 were rejected under §112, second paragraph, as explained in paragraph 3 of the Office Action. To the extent this rejection might be applied against the amended claims, it is respectfully traversed. In the Office Action, the Examiner stated that "the claim language is directed to an apparatus. However, it appears that the applicant is claiming a method" (Office Action at page 3).

Independent claim 1 was previously amended to recite the claimed apparatus in the means plus function format and clearly falls within the scope of §112 paragraph 6. As stated in MPEP §2181,

If a claim limitation invokes 35 U.S.C. 112, sixth paragraph, it must be interpreted to cover the corresponding structure, materials, or acts in the specification and "equivalents thereof." 35 U.S.C. 112, sixth paragraph, (see also *B. Braun Medical, Inc. v. Abbott Lab.*, 124 F.3d 1419, 1424, 43 USPQ2d 1896, 1899 (Fed. Cir. 1997).

Here, each claim element of claim 1 uses the means plus function format. Thus, the Examiner's rejection of claim 1 under § 112, second paragraph, is incorrect. Accordingly, Applicants respectfully request that the above rejection be reconsidered and withdrawn.

Claim 1 was rejected under §103(a) over McGuire in view of "LH Web site focuses on franchise costs." To the extent this rejection might be applied against the amended claims, it is respectfully traversed. Claim 1 was amended to recite that the charge information processing apparatus further comprises a means for managing information of franchisees, a means for managing the number of franchisees for each region, and a means for outputting information for preparing a branching plan based on the number of franchisees for each region that is managed by the franchisee number managing device. Pages 17-18 and 22-25 of the specification and Figure 2 support this part of the amendment. Claim 1 was also amended to recite that a means for calculating introduction expenses is based on the scale information of a repair shop, an instruction fee for the specific repairing method, a royalty, and the prices of repairing instruments and repairing materials required for implementing the specific repairing method. Pages 12-13 and 15-17 of the specification and Figure 2 support this part of the amendment.

In the Office Action, the Examiner admits that the McGuire reference does not disclose a device calculating introduction expenses for working as a franchisee. The disclosure of Tsutomo shows a data transmission system between retail stores and a headquarters, wherein a plurality of point-of-sale (POS) stores are connected to a headquarters server through a communication line to perform task processing on a real-time basis. The task managing unit 13 of Tsutomo totals the POS store sales amounts into a total sales amount, distributes the total sales amount, controls the stocking of goods, and generates procurement data to order goods, which are expected to be out-of-stock. However, the system disclosed by Tsutomo does not teach or suggest preparing a branching plan, as recited in claim 1. In view of the above, Applicants respectfully submit that the cited references fail to teach or suggest each

and every element recited in amended claim 1. Accordingly, Applicants respectfully request that the above rejection be reconsidered and withdrawn.

Claims 2-3 and 17-30 were rejected under §103(a) over McGuire in view of "LH Web site focuses on franchise costs," in further view of "Too good to be true?" Applicants respectfully traverse this rejection. Claims 2-3 and 17-24 depend either directly or indirectly from claim 1 and claim 1 defines patentable subject matter for the reason explained above. Therefore, Applicants respectfully submit that claims 2-3 and 17-24 define patentable subject matter and are in condition for allowance. As previously stated, claim 25 was amended in a manner similar to claim 1. The amendments are supported by pages 12-13, 15-17 and 22-25 of the specification and Figure 2. As discussed under claim 1, Applicants respectfully submit that the cited references fail to teach or suggest each and every element recited in amended claim 25, therefore, claim 25 defines patentable subject matter and is in condition for allowance. Claims 26-28 depends from claim 25 and claim 25 defines patentable subject matter for the reason explained above. Therefore, Applicants respectfully submit that claims 26-28 define patentable subject matter and are in condition for allowance.

Claim 29 was amended to recite that the charge information processing apparatus further comprises: a franchisee information managing device, a franchisee number managing device, a branching plan information preparing device and a charge calculating device for calculating introduction expenses based on the inputted scale information of a repair shop and the charge calculation base data stored in said storage apparatus, wherein the charge calculation base data comprises: instruction fees and royalty fees for each specific repairing method and the prices of repairing instruments and repairing materials required for implementing said specific repairing method. Pages 12-13, 15-18 and 22-25 of the specification and Figure 2 support these amendments of claim 29. As discussed under claim 1, Applicants respectfully submit that the cited references fail to teach or suggest each and every element recited in amended claim 29. Thus, claim 29 defines patentable subject matter and is in

condition for allowance. Claim 30 depends from claim 25 and claim 25 defines patentable subject matter for the reason explained above. Therefore, Applicants respectfully submit that claim 30 defines patentable subject matter and is in condition for allowance. Based on the above arguments, Applicants respectfully request that the above rejection for claims 2-3 and 17-30 be reconsidered and withdrawn.

Claims 4-10 were rejected under §103(a) over McGuire in view of "LH Web site focuses on franchise costs", in further view of "Too good to be true?", in further view of Hard data on franchises (Federal Trade Commission's Uniform franchise Offering Circular). Applicants respectfully traverse this rejection. Claims 4-10 depend either directly or indirectly from claim 1 and claim 1 defines patentable subject matter for the reason explained above. Therefore, Applicants respectfully submit that claims 4-10 define patentable subject matter and are in condition for allowance. Accordingly, Applicants respectfully request that the above rejection for claims 4-10 be reconsidered and withdrawn.

Claims 11-16 were rejected under §103(a) over McGuire in view of "LH Web site focuses on franchise costs", in further view of "Too good to be true?", in further view of Hard data on franchises (Federal Trade Commission's Uniform franchise Offering Circular), further in view of Tsutomu (JP 2000-23255). Applicants respectfully traverse this rejection. Claims 11-16 depend either directly or indirectly from claim 1 and claim 1 defines patentable subject matter for the reason explained above. Therefore, Applicants respectfully submit that claims 11-16 define patentable subject matter and are in condition for allowance. Accordingly, Applicants respectfully request that the above rejection for claims 11-16 be reconsidered and withdrawn.

Claim 34 was rejected under §103(a) over McGuire in view of "LH Web site focuses on franchise costs." To the extent this rejection might be applied against the amended claims, it is respectfully traversed. Claim 34 was amended to recite that the charge calculation base data includes the steps of: calculating an instruction fee for said specific repairing method; calculating a royalty, and calculating prices of

repairing instruments and repairing materials required for implementing said specific repairing method. Claim 34 was also amended to recite that the method for obtaining introduction expenses also performs the steps of managing the information of the franchisees, managing the number of franchisees for each region, and outputting information for preparing a branching plan based on the number of franchisees for each region. Pages 12-13, 15-18 and 22-25 of the specification and Figure 2 support this part of the amendment. As previously stated under claim 1, the system disclosed by Tsutomo does not teach or suggest preparing a branching plan, as recited in amended claim 34. In view of the above, Applicants respectfully submit that the cited references fail to teach or suggest each and every element recited in amended claim 34. Accordingly, Applicants respectfully request that the above rejection be reconsidered and withdrawn.

Claim 35 was rejected under §103(a) over McGuire in view of "LH Web site focuses on franchise costs," further in view of Clark. To the extent this rejection might be applied against the amended claims, it is respectfully traversed. Claim 35 has been amended in a manner similar to claim 1, reciting the means for outputting information for preparing a branching plan. As previously discussed, neither of the cited references teaches nor suggests this claim element. Accordingly, Applicants respectfully request that the above rejection be reconsidered and withdrawn.

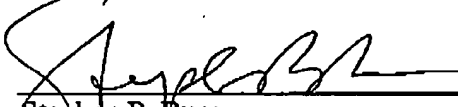
For at least the forgoing reasons, Applicants respectfully submit that all pending claims herein define patentable subject matter over the art of record.

If the Examiner believes that contact with Applicant's attorney would be advantageous toward the disposition of this case, the Examiner is herein requested to call Applicant's attorney at the phone number noted below.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-1446.

Respectfully submitted,

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Date


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